

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Department of Personnel

#### Notification

12/6/87-P5R

In exercise of the powers conferred by Article 318 of the Constitution of India, the Governor of Goa hereby makes the following regulations so as to amend the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, namely:—

1. *Short title and commencement.* — (1) These Regulations may be called the Goa Public Service Commission (Members and Staff) (Conditions of Service) (First Amendment) Regulations, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of Regulation 8.* — In regulation 8 of the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988 (hereinafter referred to as the 'principal Regulations'),—

(i) after the figure '8', the brackets and figure "(1)" shall be added.

(ii) for sub-clause (a), the following sub-clause shall be substituted, namely:—

"(a) Leave or leave salary equivalent to full pay of 15 days for half year or subject to a maximum of 240 days";

(iii) in the proviso to sub-clause (d), for the words "resignation on the expiry", the words "resignation or on the expiry" shall be substituted.

3. *Insertion of new regulation.* — After regulation 8 of the Principal Regulations, the following new regulation shall be inserted, namely:—

"8A. The Chairman of the Goa Public Service Commission shall sanction leave to the Members and Secretary of the Commission subject to the condition that only such leave as due and admissible may be sanctioned".

4. *Amendment of Part VA.* — (1) In the heading of Part VA of the principal Regulations, for the expression "Compensatory Allowance and Dearness

Allowance", the expression "Compensatory Allowance, Dearness Allowance and Medical Facilities" shall be substituted.

(2) After regulation 18 of the principal Regulations, the following new regulation shall be inserted, namely:—

"18A — The Members and the Chairman of the Commission shall be entitled to such medical facilities as are admissible to the Heads of departments under the Medical Attendance Rules as applicable to the State of Goa".

By order and in the name of the Governor of Goa.

Smt. Prabha Chandram, Under Secretary (Personnel).

Panaji, 28th February, 1989.

#### Department of Labour

#### Notification

21/26/88-ILD

The following draft of certain rules further to amend the Contract Labour (Regulation and Abolition) Rules, 1972, which the Government of Goa proposes to make in exercise of the powers conferred by sub-section (1) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), is hereby published, as required by sub-section (1) of the said section 35 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of forty five days from the date on which copies of the Official Gazette in which this notification is published are made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period as specified will be considered by the Government of Goa.

#### DRAFT RULES

In exercise of the powers conferred by sub-section (1) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970),

the Government of Goa hereby makes the following rules so as to further amend the Contract Labour (Regulation and Abolition) Rules, 1972, namely:

1. *Short title and commencement.*—(1) These rules may be called the Contract Labour (Regulation and Abolition) (Amendment) Rules, 1988.

(2) They shall come into force at once.

2. *Amendment of rule 24.*—In the Goa, Daman and Diu Contract Labour (Regulation and Abolition) Rules, 1972 (hereinafter referred to as the "principal Rules"), in rule 24, for the words and figures "Rs.30/-" and "Rs. 5/-", the words and figures "Rs. 90/-" and "Rs. 15/-" shall respectively be substituted;

(ii) For rule 26 of the principal Rules, the following rule shall be substituted, namely—

"26. Fees—(1) The fees to be paid for the grant of a Certificate of Registration under section 7 shall be as specified below:—

If the number of workmen proposed to be employed on Contract on any day—

(a) is 20	Rs. 60/-
(b) exceeds 20 but does not exceed 50	Rs. 150/-
(c) exceeds 50 but does not exceed 100	Rs. 300/-
(d) exceeds 100 but does not exceed 200	Rs. 600/-
(e) exceeds 200 but does not exceed 400	Rs. 1200/-
(f) exceeds 400	Rs. 1500/-

(2) The fees to be paid for the grant of a licence under section 12 shall be as specified below:—

If the number of workmen employed by the contractor on any day—

(a) is 20	Rs. 15/-
(b) exceeds 20 but does not exceed 50	Rs. 37.50
(c) exceeds 50 but does not exceed 100	Rs. 75/-
(d) exceeds 100 but does not exceed 200	Rs. 150/-
(e) exceeds 200 but does not exceed 400	Rs. 300/-
(f) exceeds 400	Rs. 375/-

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 21st February, 1989.

Law (Legal and Legislative Affairs) Department

#### Notification

10-3-88/LA.

The Illegal Migrants (Determination by Tribunals) Amendment Act, 1988 (Act No. 24 of 1988) which

was passed by Parliament and assented to by the President of India on 25-4-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-4-1988 is hereby re-published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 10th October, 1988.

#### The Illegal Migrants (Determination by Tribunals) Amendment Act, 1988

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ACT

to amend the Illegal Migrants (Determination by Tribunals) Act, 1983.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Illegal Migrants (Determination by Tribunals) Amendment Act, 1988.

2. *Amendment of section 5.*—In section 5 of the Illegal Migrants (Determination by Tribunals) Act, 1983 (hereinafter referred to as the principal Act), in sub-section (3), for the words "three members", the words "two members" shall be substituted.

3. *Amendment of section 6.*—In section 6 of the principal Act, for the words "any other member" the words "the member" shall be substituted.

4. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) in sub-section (2),—

(i) the words, brackets and figure "Without prejudice to the power conferred on the Central Government by sub-section (1)," shall be omitted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, within the jurisdiction of the same police station wherein the applicant has his place of residence."

(b) in sub-section (3),—

(i) for the words "two persons residing within three kilometres of the area", the words "two persons residing within the jurisdiction of the same police station" shall be substituted;

(ii) for the word "twenty-five" the word "ten" shall be substituted;

(c) for sub-section (4), the following sub-sections shall be substituted, namely:—

"(4) Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of

residence of the person named in such reference is, at the time of making such reference, situated:

Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference, found.

(5) Every application under sub-section (2) shall be made to the Tribunal within the territorial limits of whose jurisdiction the person named in such application is found or, as the case may be, has his place of residence, at the time of making such application."

5. *Insertion of new section 8A.*— After section 8 of the principal Act, the following section shall be inserted, namely:—

"8A. *Application to the Central Government for reference.*— (1) Any person may make an application to the Central Government, for decision by a Tribunal, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant, and where any such application is received by the Central Government, it may, on the basis of any information in its possession or after making such enquiry as it deems fit, reject the application on the ground that the application is frivolous or vexatious or it does not comply with the requirements of this section or refer such application to a Tribunal for decision.

(2) Every application made under sub-section (1) shall be made in such form and in such manner as may be prescribed and shall be accompanied by a declaration by another person residing within the jurisdiction of the same revenue sub-division in which the applicant resides in such form as may be prescribed to the effect that the particulars mentioned in the application are true to his knowledge, information and belief:

Provided that no person shall make more than ten such applications or more than ten such declarations.

(3) Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated:

Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference, found."

6. *Amendment of section 10.*— In section 10 of the principal Act, for the word and figures "section 8", the words, figures, brackets and letter "section 8 or sub-section (1) of section 8A" shall be substituted.

7. *Amendment of section 12.*— In section 12 of the principal Act, —

(a) in sub-section (1), for the words and figure "section 8, or to which an application has been

made under that section", the words, figures and letter "section 8 or section 8A, or to which an application has been made under section 8" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Where the members of the Tribunal differ in their opinion on any point, the Chairman of the Tribunal shall state the point or points on which they differ and make a reference to the President of the Appellate Tribunal which exercises jurisdiction in relation to the Tribunal who shall refer the case for hearing on such point or points by a member of another Tribunal under its jurisdiction and such point or points shall be decided according to the opinion of that member and such decision shall be deemed to be the decision of the Tribunal."

(c) in sub-section (3), after the words "prescribed authority", the words "or authorities" shall be inserted.

8. *Amendment of section 13.*— In section 13 of the principal Act, for the words and figure "section 8 or application made to a Tribunal under that section", the words, figures and letter "section 8 or section 8A or application made to a Tribunal under section 8" shall be substituted.

9. *Amendment of section 14.*— In section 14 of the principal Act, after the words "that section", the words, figure and letter "or any person named in a reference under section 8A" shall be inserted.

10. *Amendment of section 15.*— In section 15 of the principal Act, —

(a) in sub-section (3), for the words "less than three", the words "less than two" shall be substituted;

(b) in sub-section (6), for the words "and each bench shall consist of not less than two members", the words "which may either be single member benches or benches consisting of not less than two members" shall be substituted;

(c) for sub-section (10), the following sub-section shall be substituted, namely:—

"(10) Every Appellate Tribunal shall have the same powers as are vested in an appellate court under the Code of Civil Procedure, 1908, 5 of 1908, while hearing an appeal."

11. *Amendment of section 16.*— In section 16 of the principal Act, —

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Appellate Tribunal shall send a copy of every order passed by it under sub-section (1) to the parties to the appeal, to the Tribunal concerned and to the prescribed authority or authorities."

(b) in sub-section (4), the words and figures "Subject to the provisions of section 17," shall be omitted.

12. *Substitution of new section for section 17.* — For section 17 of the principal Act, the following section shall be substituted, namely: —

*"17. Power of Superintendence by Appellate Tribunals.* — (1) Every Appellate Tribunal shall have superintendence over all the Tribunals in the State.

(2) Without prejudice to the generality of the foregoing provisions, the Appellate Tribunal may —

(a) call for returns from any Tribunal;

(b) make general rules and specify forms for regulating the practice and proceedings of Tribunals; and

(c) specify the forms in which books, entries and accounts shall be kept by the officers of Tribunals."

13. *Amendment of section 20.* — Section 20 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely: —

"(2) Any police officer not below the rank of a Superintendent of Police shall have such powers as may be necessary, including the power to obtain a bond from any person for the due compliance of an order under sub-section (1) and to arrest such person in the event of his failure to furnish such bond to the satisfaction of such police officer."

14. *Insertion of new section 21A.* — After section 21 of the principal Act, the following section shall be inserted, namely: —

*"21A. Power to bind certain persons against whom complaint is made under the Act.* — Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for a police officer not below the rank of a Superintendent of Police, if he is satisfied that the circumstances so require and for reasons to be recorded in writing, to direct any person against whom a reference or an application has been made under this Act to enter into a bond with or without sureties for making himself available for the inquiry and observance of such restrictions or conditions as may be specified by such police officer:

Provided that if such person fails to enter into such bond he may be arrested and detained in such manner as may be prescribed."

15. *Amendment of section 25.* — In section 25 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.", the following shall be substituted, namely: —

"shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than two thousand rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than two thousand rupees."

16. *Amendment of section 28.* — In section 28 of the principal Act, in sub-section (2), —

(a) after clause (a), the following clause shall be inserted, namely: —

"(aa) the form and the manner in which an application, and the form in which a declaration, may be made under sub-section (2) of section 8A,";

#### Notification

10-3-88/LA (Part)

The Appropriation (No. 5) Act, 1988 (Central Act 70 of 1988) which was passed by Parliament and assented to by the President of India on 29-12-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 29-12-1988, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 22nd February, 1989.

#### The Appropriation (No. 5) Act, 1988

AN

ACT

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Appropriation (No. 5) Act, 1988.

2. *Issue of Rs. 845,22,00,000 out of the Consolidated Fund of India for the financial year 1988-89.* — From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eight hundred and forty-five crores and twenty-two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1988-89, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.* — The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

# **THE SCHEDULE** (See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture	Revenue 100,00,00,00	..	100,00,00,000
2	Other Services of Department of Agriculture and Co-operation	Capital 1,00,000	..	1,00,000
5	Department of Fertilizers	Revenue 250,01,00,000	..	250,01,00,000
7	Department of Commerce	Revenue 200,00,00,000	..	200,00,00,000
		Capital 1,00,000	..	1,00,000
11	Telecommunication Services	Capital 1,00,000	..	1,00,000
24	Department of Economic Affairs	Capital 80,53,00,000	..	80,53,00,000
25	Currency, Coinage and Stamps	Revenue ..	57,00,000	57,00,000
29	Transfers to State Governments	Revenue 100,00,00,000	..	100,00,00,000
35	Direct Taxes	Revenue ..	12,00,000	12,00,000
46	Department of Education	Revenue 1,00,000	..	1,00,000
48	Art and Culture	Revenue 1,00,000	..	1,00,000
52	Department of Chemicals and Petrochemicals	Revenue 5,15,00,000	..	5,15,00,000
60	Ministry of Petroleum and Natural Gas	Capital 91,00,000	..	91,00,000
64	Department of Science and Technology	Revenue 1,00,000	1,41,00,000	1,42,00,000
		Capital 18,48,00,000	..	18,48,00,000
68	Department of Mines	Capital 85,20,00,000	..	85,20,00,000
69	Surface Transport	Revenue 1,00,000	..	1,00,000
		Capital 1,00,000	..	1,00,000
71	Ports, Lighthouses and Shipping	Capital 1,00,000	..	1,00,000
72	Ministry of Textiles	Revenue 1,63,00,000	..	1,63,00,000
83	Department of Space	Revenue 1,11,00,000	..	1,11,00,000
		Capital 1,00,000	..	1,00,000
Total		843,12,00,000	2,10,00,000	845,22,00,000

## **Notification**

7-7-89/LA

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 1988 (Goa Act No. 1 of 1989) which has been passed by the Legislative Assembly of Goa on 29-12-1988 and assented to by the Governor of Goa on 16-2-1989, is hereby published for the general information of the public.

**P. V. Kadnekar**, Under Secretary (Drafting).

Panaji, 24th February, 1989.

The Goa Salary, Allowances and Pension of Members of the  
Legislative Assembly (Amendment) Act, 1988

(Goa Act No. 1 of 1988) [16-2-1989]

AN

ACT

*further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964.*

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 1988.

(2) It shall come into force at once.

2. *Amendment of section 3B.*— In section 3B of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965),—

(i) for the word and figures "January, 1982", the word and figures "September, 1988" shall be substituted;

(ii) for the words "two hundred", the words "seven hundred and fifty" shall be substituted;

(iii) in the first proviso —

(a) for the words "fifty rupees", the words "one hundred rupees" shall be substituted;

(b) for the words "four hundred", the words "one thousand and five hundred" shall be substituted.

(iv) in the second proviso, for the words "two hundred", the words "seven hundred and fifty" shall be substituted, and the following proviso shall be added.

Provided further that after the death of the member, his widow will be entitled for the pension till her death.

Secretariat Annexe, M. RAGHUCHANDER,  
Panaji, Secretary to the Government of Goa,  
Dated: 24-2-1989 Law Department (Legal Affairs)

### Government Press

#### Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1989, which is the close of financial year.

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